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TUESDAY MORNING, OCT. 9.

Legislative Summary,

In the Senate, the organization of the Hous having been announced, the usual joint committees on rules, and to wait upon the Governor, &c, were appointed. Leave of absence was granted to Mr. HEAD, on account of sickness in his family. A bill to amend the charter of the town of Winchester, and a bill to amend the act of 1854, ch. 127, to establish a Chancery Court in the town of Newport, severally passed first reading. A resolution to elect a Treasurer on the 15th was introduced. and laid over the rule, and the Senate took a

In the House the usual Committees, includ ing the Standing Committees, were appointed and announced. A resolution was adopted authorizing members to suscribe for two papers during the session at the public expense. A bill to suppress tippling, and for other purposes and a bill to change the line between Putnam and DeKalb passed first reading. Provisions was made for Standing Committees upon the subject of Tippling and Tippling Houses and upon Public Roads and Highways; and a bill to abolish Military duty passed first reading.

recess for dinner.

The Elections To-day. Elections take place to-day in Maryland Ohio and Pennsylvania.

In Maryland, members of Congress and a State Legislature are to be chosen. The contest is exclusively between the Democrats and the American party, and has been carried on with much energy on both sides. Many of the prominent Whigs of this State, like Senator Pratt and Reverdy Johnson, sympathise rather with the Democrats than with their opponents, and give them the benefit of their influence, yet it is probable that the American party will obtain a majority of the members of Congress and of the Legislature.

In Chio, a Governor, and other State Officers, and also State Legislature are to be chosen. The canvass has been conducted with great vigor. The candidates for Goveror are, Salmon P. Chase, Republican or Freesoil, William Medill, Democrat, and Allen Trimble, American, Mr. Chase, though by no means personally popular, and also entertaining views which are very radical and to conservative men justly obnoxious, will probably be elected by a large majority. He is indebted for his present position chiefly to his opposition to the Nebraska bill in the U. S. Senate. In Cincinnati no less than four German papers, including among them the Volksblatt, the most influential German journal in the city, are laboring zealously for the Republican or Freesoil candidate.

In Pennsylvania, a Canal Commissioner, State Legislature, and County Officers, are to be chosen. For Canal Commissioner there are now but two candidates in the field-Arnold Plumer, supported by the Democrats, and Thomas Nicholson, supported by the Fusionist. The only doubt of the success of the Fasion candidate arises from the lateness with which the names of various other candidates have been withdrawn, and his substituted. Yet he will probably be elected, though the contest has not elicited very much interest. The Legislature, the complexion of which seems to be involved in a good deal of doubt, will chose a U. S. Senator in place of Hon. James Cooper.

Tennessee Bems.

WHEAT .- We learn-from the McMinny ille Enterprise, of the 4th inst., that Mossrs. Cox & Co., of that place, have sent off by the railroad over fourteen thousand bushels of wheat, and that it is still coming in with increased rapidity, and will in the next ten days probably reach twenty thousand bushels. The price of wheat at McMinnville continues to hold up at 70 to 75 cents per bushel. So much for having a railroad.

FINE OATS .- The Franklin Review, of the 5th inst., states that Mr Nathan Owen residing about six miles east of that place, lately threshed his oat crop, raised upon thirty acres of land. When he was done threshing he measured twelve hundred and sixty seven bushels-or more than forty-two bushels per scre-from the thirty acres. Who can beat

SALE OF A COLLEGE,-We learn from the Clarksville Chronicle that the Masonic College at that place has been sold to the Presbytevians. That paper understands the terms of sale to be, the Presbyterians take the property, and pay the debts now hanging over the College-the debts amounting to about \$9,000, while the property is estimated to be worth

BUSINESS AT CLARKSVILLE .- Our business season has not yet opened, but we see some indication of it in the inquiry for hogs, and in the speculations as to what the tobacco crop will turn out. Hogs will be packed both here and at Trice's, if they can be bad. There are comparatively, but few for sale in this section, and they will doubtless

The Planters, Bank and the Bank of Tennesses are both discounting good four months bills on all points at nine per cent per annum. They are doing but little in the way of notes. Exchange on New York and New Orleans one per cent premium. On Cincinnati and St. Louis one half. - Chronicle Oct. 5.

> Health of Vicksburg. NEW OBLEANS, Ocotber 3.

The deaths in Vicksburg, Miss., last week were

New Orleans Market.

NEW ORLEANS, October 3. Cotton has declined to. The sales yesterday and

to day have comprised 8,000 bales. * Correr.-There has been some further movement to-day in Coffee. We note sales of 1,400 bags Rio, out of the cargo of the bark Courier, on private terms, and of 500 bags good fair quality do, out of the same cargo, at 111 cts. Sales also to day of 100 bags rej cted Rio at 102 cts. Holders are har liv as firm in their views to day as they have been for some days past. We quote to-day fair to good Rio at Hall tts and prime do, at 11+all\$

TENNESSEE LEGISLATURE. SENATE.

MONDAY, Oct. 8, 1855. The Chair announced the following Standing Committees

On Privileges. - Messrs. Whitthorne, Hitch Sheid, Meeks and Palmore. On Finance.-Messrs Turney, Hall, Ellis, Dean On Ways and Means, -Messrs. Hall, Palmore

Rodgers, McFarland and Whitthorne. On Claims, -Messrs. Atkins, Ballew, Smith, Havron and Caldwell. On Rducation and Common Schools .- Meser Head, Fletcher, Atkins, Ballew and Caldwell,

On Judiciary .- Messrs, Rodgers, Fletcher, Head, Ellis, Steele, Atkins and Carter. On Internal Improvements. - Messrs. Caldwell, Rodgers, Turner, Johnson, Smith, Brown, Meeks

On Military Affairs.-Mesers. Mecks, Smith Bowles, Huch and Havron. On New Counties and County Lines .- Messes. Steele, Whitthorne, Johnson, Bowles and Smith. On Public Lands .- Messrs. Havron, Bowles,

Meeks, Hitch and Turney. On Penitentiary .- Messrs. Johnson, Stokes, Palmore, Shied and Hall Ballew and Caldwell.

On Federal Relations .- Messrs. Fletcher, Stokes. Steele, Brown and Dean, On Public Roads, - Messrs. Shied, Bowles, Dean, munity in the smallest degree. Hitch and Meeks.

On Enrolled Bills,-Messrs. Ellis, Head, Brown and Whitthorne. On Public Grounds .- Messrs, Carter, Ellis, Head. Rodgers, and Caldwell.

On Lunatic Asylum .- Messrs. McFarland, Carter, Brown, Hall and Atkins. On Agriculture and Manufactures. - Messrs. Deau, Palmore, Stokes, Shied and McFarland.

On Tippling and Tippling Houses .- Messrs. Ballew, Steele, Johnson, Carter and Stokes, Mr. Whitthorne, a resolution appointing a com mittee to wait upon the Governor. Adopted.

A message was received from the House announcing the organization of that body, and the State equal to the entire assets of the Bank, adoption of a resolution appointing a joint com- The Bonds are bearing an interest of six per mittee to wait upon the Governor, which was concurred in by the Senate.

The report of the committee on rules was laid Mr. Carter introduced a resolution providing for

a joint committee and rules. Adopted. Leaves of absence for three days was granted to Mr. Head, on account of sickness in his family. Mr. Carter, a resolution providing for a meeting of the two houses on the 11th to compare the vote

for Governor at the recent election. Adopted. pointed a committee on the part of the Senate to State in turnpikes and railroads, it would act with a similar committee of the House and On motion of Mr. Johnson it was ordered that

operations within the building while the two Houses have been commenced by the various compa-The report of the Bank of Tennessee was taken up and 1250 copies ordered to be printed.

act incorporating the town of Winchester. Passed in the county of Cocke. Passed first reading.

Mr. Stokes, a resolution to elect a Treasurer on the State as already indicated. the 15th at 10 A. M.

Scuate took a recess for dinner. AFTERNOON SESSION

Mr. Whitthorne, from the committee appointed dress the Senate a Message at 24 o'clock. Mr. Ellis introduced a bill to regulate the rate of

interest. Passed first reading. Mr. Fletcher a bill to repeal section three of the and was referred to the judiciary committee. The following message was received from His Excellency the Governor, at the hands of the Secretary of State:

EXECUTIVE DEPARTMENT, NASHVILLE, OCTOBER 8, 1855. Fellow-Citizens of the Senate

and House of Representatives :

tion to the liabilities of the State. time is as follows:

Five and a quarter per cent bonds issued for

Six per cent bonds issued for building State In addition to the above actual indebtedness, the State is liable for bonds loaned and endorsed To the East Tennessee and Georgia Railroad \$870,000

Memphis and Ohio last Tennessee and Virginia. Memphis and Charleston.... McMinnville and Manchester... Mississippi and Tennessee Mississippi and Tennessee Mississippi and Dyersburg Plank Road.... Mansker's Greek and Springfield Turnpike Nashville and Chatta'ga R. R., (endorsed) 1,500,000

Internal Improvement Companies, amount to chandise in this State, to first pay into the eight millions seven hundred and forty-four Treasury of the State one-half of one per thousand eight hundred and fifty-six dollars and cent. on the invoice cost of all goods vendsixty-six cents (\$8,744,856.66.

sand dollars, (\$125,000) of the Bonds which is required to first pay into the Treasury the were issued for stock in the Union Bank, fall- half of one per cent., or fifty cents on the huning due first of January, 1858; and fifty thous- dred dollars. After the tax is paid by him inthe State Capitol, falling due first of April of chases the same goods of him, and takes them the same year. It is for the Legislature to deter- to another establishment, in or out of the counmine whether these bonds shall be paid by im. Ity where purchased, as the case may be, and posing additional taxes on the people or out of vends them again; for which he is required to the stocks owned by the State.

nal cost and present estimated value of the is one per cent, paid to the State for the goods State Stocks, and also the value of the taxable thus sold. By this process it will be perceived property and number of taxable polls, made out that the State lays a double tax on the goods

by the Comptroller of the	Tr	easur)	y :	
Stock owned by	the	State		
STOCK.		INAL CO		PRES'T VA
Bank of Tennessee	.\$1,0	000,000		\$1,000,00
Union Bank	. 6	50,000		650,00
East Tenn, and Georgia Railroad	4, 6	30,000		800,00
Frank in and Columbia Turnpike.		75,950		56,91
Lebanon and Nashville		50,000		43,26
Nolensville		41,000		11,75
Nashville and Charlotte"		80,000		20,00
Lebanon and Sparts		85,000		21,17
Commiss Central	. 1	9,000		21.17
Nashville and Kentucky".	ten A	50,000		12,50
Clarksville and Romeliville "		87,500		9,00
Columbia, Pulitiki and Eikion"		68:3,89		12,23
Nashville and Murfreesboro "		888,88	66	50,58
Gallatin and Camberland		5,000	-	5,28
Callerin	7	80,000		26,00
Gullatin	11	19.000		20,00

cent on the estimated value.

was passed, directing the Governor and Comp- practical effect of the revenue law, as it now troller to invest the dividends arising from the stands, regulating merchants' license, is to disstock in the Union and Planter's Banks in the criminate against the merchant at home and in six per cont. bonds. We have received, on se- favor of the one abroad. The subject is, therecount of said bonds, one hundred and fitty-five fore, submitted to your consideration, with the thousand two hundred and forty-nine dollars hope that the law will be so modified as to and thirty-six cents; and have contracted with place the mercantile interest of the State on an the Bank of Tennessee for the whole amount equal footing and in a field of fair competition

As it becomes your duty to appoint a Com- Union." mittee to examine the accounts of the Comptroller and Treasurer, I would therefore sug- By the sixth section of an act passed Februgest that you direct the same Committee to ex- ary 8th, 1852, chapter 31, it was made the amine and report as to the amount received duty of the Governor to endorse and guaran-

For the details of the State debt, and the true condition of the Treasury, I most respectfully refer you to the report which will be made by the Comptroller of the Treasury.

Banks. The condition of the Bank of Tennessee will be fully set forth and made known in a report which will be made and submitted to the General Assembly, by the President and Directors of that institution at an early day. It will be seen, from a careful examination of the report, that the principal Bank and branches have been conducted with great efficiency in the ordinary banking transactions, and especially so in col-lecting and securing a large portion of what is called the suspended debt. More of this debt has been collected and secured in the last two years than at any former period.

In regard to this institution, I still adhere to my former opinion, as submitted to the last Legislature, that the principal Bank and its branches ought to be put into gradual liquidadation, and that the present is an auspicious time for such gradual liquidation, giving ample and reasonable time to all persons who are indebted to the institution, to make arrange ments for paying the amount they may owe the On Banks.-Messrs. Stokes, McFarland, Turney, principal Bank and its branches. The process of winding up the institution at the present time, can be made so gradual and easy as not to embarrass the indebted portion of the com-

A number of banks have gone into operation under a law passed by the General Assen bly of 1851-2, and others no doubt will soon commence. In addition to this, the last Legislature incorporated seven Stock Banks, which will more than supply the vacuum created by the withdrawal or the winding up of the Bank of Tennessee, and furnish all the banking facilities needed by the whole commercial and business portion of the country. As the capital of the Bank is withdrawn from circulation, it can be profitably invested in the Bonds of Mr. Hall, from the committee on rules, reported the State, thereby again making its way into the general circulation, and at the same time creating a home market for the Bonds of the cent, per annum, which will in the end yield a greater profit to the State, making it the safest and most judicious investment that can be made with the Common School and other funds, which now constitute the capital of the Bank of Tennessee, and which is under the control

of the Legislature. If the State can in any reasonable time dispose of the stock owned in the Union and Planters' Bank upon good and reasonable Messrs. Whitthorne, Carter and Brown were apterms, and all other stocks owned by the equally wise, safe and judicious, to make a like investment with the proceeds of such stocks in the workmen on the Capitol be required to suspend ber of Internal Improvement works which nies, and which are entitled to aid by law from the State, and a number of others that in all Mr. Carter introduced Bill No. 1 to amend the probability will be commenced, which will require the issuance of a large amount of State Bonds, amounting to many millions of dollars, Mr. Fletcher, a Bill to amend the act of 1854; will absorb the entire capital of the State Bank, ch. 127, establishing a Chancery Court at Newpor and the proceeds of all the stocks owned by the State, if they are invested in the bonds of

The Free Banking Law, as it is common

called, requires revision and amendment, and should be so modified as to require all applicants for banking privileges under it to to wait upon the Governor, reported that that duty deposit, as a greater security to note-holdhad been performed, and the Governor would aders, with the Comptroller of the Treasury, twenty-five per cent, more in bonds than they receive notes in exchange for circulation. The note-holders are entitled to this additional security to meet any reasonable depreciation act of 1853, chap. 72, which passed first reading which may take place in the value and sale of the bonds of the State, when thrown into market for sale. And as a further protection to the community, there should be a law passed prohibiting the circulation of any Bank note of a less denomination than five dollars, in the State. We have seen within the last few years gold and silver driven almost entirely out of circulation for all the ordinary business trans-The organic law and long established cus- actions of the country, by the excessive issue tom in this State requires the Governor, from of small notes by the various Banks throughtime to time, to submit to the consideration of out the State. The passage of such a law would both Houses of the General Assembly, such in a short time restore to circulation, for all measures and suggestions as he may deem ex- ordinary purposes, gold and silver, which canpedient and proper. I would, therefore, in the not depreciate in the hands of the small and first place, most respectfully call your atten- unsuspecting dealers, as is often the case with bank notes, by the depreciation of small notes The actual indebtedness of the State at this or the breaking of banks. The necessity of the passage of such a law must be obvious to all, and it is wholly unnecessary for me to stock in internal improvement companies... \$227,416 66 make any argument to the Legislature or to

There is one other suggestion that I will make in regard to the Free Banking Law: The law should be so amended as to fix definitely 250,000 00 the rates at which notes should be discounted 88 992 856 66 by all persons banking under that law, thereby making the discounts equal and uniform in

banking operations throughout the State. In my message to the last Legislature, the 800,000 attention of that body was called to the sub-840,000 ject of Merchants' Taxes, and as no action was then taken upon it, I again submit that portion ! 800,000 of my message to your consideration:

"There is some complaint with the mercantile interest, in consequence of the unequal and 10,000 discriminating operation of our revenue laws regulating merchants' license. The complaint \$4,752,000 is not without some foundation and good cause Making the whole liabilities of the State for on their part. The law, as it now stands, rebonds issued for stock, loaned and endorsed to quires all wholesale and retail dealers in mered by them. The main cause of complaint, It will devolve on you to provide for the as I understand it, is, that in the first place, payment of one hundred and twenty-five thou- the wholesale merchant, by the revenue law, and dollars (\$50,000) bonds issued for building to the Treasury, the retail merchant then purpay one half of one per cent, or fifty cents on I lay before you for examination, the origi- the hundred dollars, into the Treasury; which purchased from the wholesale dealer within the limits of the State. The business retail dealer has no difficulty in understanding the operation, and finds it to his interest to go beyond the limits of the State to make his purchases, and thereby save the one-half of one per cent. in the purchase of his goods, or fifty cents on every hundred dollars. It must be obvious to all business men, that if the wholesale dealer is required first to pay the tax into the Treasury, that when the retail merchant buys of him he must pay it back, and then when he makes sale of the goods, he must pay a like amount into the Treasury; which is practically compelling the country merchant to pay a double tax to the State on the same goods; \$3.592,716 65 \$3,244,827 which, as a matter of course, makes it his in-The above turnpike companies pay six per terest to go beyond the limits of the State to make his purchases, and become the customer

At the last session of the Legislature, au act "It is most manifest to my mind that the with a like interest of the other States of the

Nashville and Chattaneoga Railroad. crations. A Committee of the Sures, bags. Balti- and disbursed under the act of 1853-4, Chap- tee the Bonds of the Nashville and Chattanooga

ing six hundred and fifty thousand dollars. Im- have remedy by due course of law, and right mediately after the passage of this law, the and justice administered without sale, denial or President of the Company presented six hundelay.' 'Right an' justice' is to be 'administred and fifty thousand dollars in Bonds of the tered without sale, denial or delay,'—this is Company, which Bonds were endorsed and laid down as the basis, as the foundation of our guaranteed as the law prescribed. The Bonds whole system of jurisprudence; and it is imwere then delivered to the President of the perative on the Legislature, in the organization Company, he executing his receipt for them. of our Courts, to conform them to the princi-Some time after this, the President and Mr. Ed- ples herein laid down,. To a correct underwin H. Ewing made application to the Gover-nor for the endorsement and guarantee of nine-lished, we should first determine what is meant ty-five thousand dollars more in Bonds of the by the terms 'right and justice,' as used in the said Company. The reason given for this application was that the bonds had been destroy-define the term RIGHT: 'Conformity to human ed to the amount of ninety-five thousand dol- laws, or other human standard of truth, prolars, they having been through mistake burned | priety, or justice.' Justice: 'the constant and for other bonds, and presented as proof of the perpetual disposition to render every man his fact, a certificate of the Cashier of the Bank due,' &c. In this connection we might conof the Republic of New York, together with sider the meaning of Equity also. In an enthe fragments or scraps of forty-three bonds, larged and legal view, Equity, in its true and or that portion of them which contained the genuine meaning, is the soul and spirit of the coupons; the body of the Bonds, containing the law.' In this, 'equity is made synonimous with signature of the President of the Company and justice.' Right, justice, and equity, according the endorsement of the Governor, being en- to common sense, and the best authorities. tirely gone. The fragments or scraps of the mean the same thing. When it comes to es-Bonds, presented as material proof of the fact of tablishing a court, or a tribunal, or it may be the Bonds having been destroyed, were so dis- called by any other name, which is intended colored and charred by the action of the fire, as a standard by which the precise difference that they afforded no proof that the Governor can be determined between the contending had ever seen or endorsed them, leaving no parties, it is imperative on the Legislature to evidence before him but the certificate of the establish the standard which will accomplish Cashier of the Bank of the Republic of New | the great end, as designed in the Bill of Rights, York, where the Bonds had been burned thro' and if it were possible, to so organize our mistake. In this connection, however, it is Courts, that when parties came into them to due to state that there is no class of evidence have their differences adjusted, for the Court that could have been presented proving the loss and jury to ascertain what is the precise equity or destruction of the bonds, that would have in- between the parties, and then to determine duced the Governor, as the law now stands, to that as the law of the case, 'equity being the endorse and guarantee any additional number soul and spirit of the law,'-in other words. of Bonds on account of their loss or destrue- making the equity of the case, the law of the tion, there being no law authorizing it to be case. Taking the Bill of Rights as the foundadone. The Bonds had been once endorsed and tion for our Courts, the enquiry very naturally guaranteed and delivered to the President of arises as to whether our Courts, as now estabsaid Company, and this was a complete execu- lished, under the sixth section, first article of tion of the law, leaving the Governor, after the Constitution, are in conformity with the its execution, no control or discretion over the principles herein laid down. This article says: subject whatever. There is no law conferring The Judicial power of the State shall be vestpower on the Executive where bonds have ed in one Supreme Court, in such inferior been misplaced or destroyed, upon application Courts as the Legislature shall ordain and esto him, to issue other bonds in their place, whether they have been endorsed or loaned. held by companies or individuals. The exercise of such a power on the part of the Gov. the exercise of this power by the Legislature. ernor, in the absence of law, would be setting a dangerous precedent, which might open the ples laid down in the Bill of Rights. The Bill door wide to fraud and speculation by all un- of Rights being the better part of the Consti scrupulous persons into whose hands the Bonds tution, is paramount. of the State, which had been loaned to companies to aid in works of internal improvements. or those that had been endorsed or guaranteed for the same purpose, might fall, The second or third holder of a Bond which had been transferred by any internal improvement company, in the event of the loss or destruction of a law does to the Constitution. Hence, in th the bonds in his hands, would have the same organization of the Courts, the Legislature has right to apply to the Governor for the issuance of a new bond, in consequence of the loss or from this great and fundamental principle as destruction of the old bond, so transferred, laid down in the Bill of Rights, or the better that the company had who first received the part of the Constitution.

nor declined to endorse and guarantee the nine- as contemplated in the Bill of Rights. ty-five Bonds already referred to. In refer-H. Ewing, Esq., and at the time the application was made for the endorsement and guarantee of the Bonds, he felt more than anxious

to accommodate them and the Company, but declined doing so for the reasons already given.

posed of as you may hereafter direct. Public Roads. I would also call your attention to my former recommendation on this subject: "Our whole system of Public Roads is exceedingly defective, perhaps more so than in Delay, expense, and perplexity of mind, on the burden of keeping it up upon that portion of part of the litigants—confidence in the Courts our fellow citizens least able to bear it, and who have the least use for it after it is kept up.

Many persons are compalled to work on the Many persons are compelled to work on the public roads many days in the year, who have not the time to spare to do so, without pay, and the necessities of whose families need the proceeds of their entire labor for their support; while on the other hand, there are many who are exempt by law from working on the publie roads, who are either able physically to work them, or pecuniarily to pay for having it chancery. Another individual brings his suit done, and who derive the greatest benefit from in a Court of chancery, and after a like delay good roads when they are made, by the enhanced value good roads impart to their property, and by increasing the comforts and facilities of traveling over them. In view of chang- soled in the same way by telling him his case ing or modifying our present system, I most is a good one, but his remedy is not in chanrespectfully call your attention to the system of keeping up public roads in the States of Ohio of law to a Court of chancery, until, in the and Pennsylvania, where property and other, end, if the end ever comes, the substance of taxes are levied for the purpose of keeping up the parties is, in many instances, consumed, taxes are levied for the purpose of keeping up the public roads and highways, and thereby and the gainer of the suit is frequently the loser, carrying out the principle, that the individual and the unfortunate party goes into immediate who derives the greatest benefit from having bankruptcy. This is the manner in which law them kept up, and in proper condition for the traveling public, shall pay correspondingly for system of jurisprudence, which, in fact, is the the benefits thus conferred. All persons should great cause of complaint of the parties who go contribute to the support of the government, into our Courts to obtain justice, and a want under which they live, in proportion to the of confidence on the part of the people in the protection they may receive from it. Our pres- Courts of law and chancery. ent road system, it must be conceded by all, operates most unjustly and unequally upon the and assume that the Courts can be so organi ed. I therefore recommend to your considera-

present session of the Legislature."

National Homestead. This important measure, by a large majority, has passed the popular branch of our national Legislature twice in succession, and was lost such a law. I therefore call the attention of mendation upon this subject, which was made go hence without delay. to the last Legislature:

without urging upon your consideration the This is a most propitious time for bringing importance and propriety of instructing our about the change in our judiciary, as indicated, Senators in the Congress of the United States, the people having removed all constitutional and requesting our Representatives to use all difficulties that were in the way, by the adopreasonable exertion to procure the passage of a tion of the recent amendments to the Consti bill granting to every head of a family, who is tution. There is now a bill before your hon a citizen of the United States, a 'Homestead' of one hundred and sixty acres of land, out of plify the pleadings, practice and proceedings in the public domain, upon condition of settlement and cultivation for a number of years. This if passed into a law, accomplish much in conis a measure of no ordinary consideration to the forming the practice in the Courts to the re-American people, and the correctness of its quirements of the Bill of Rights and the wants policy has been settled in the public judgment, of the people. In recomm and it would have been the law long before this time, had the popular will been carried out similar in its provisions, I am not recommen by the Congress of the United States. I therefore hope that you will take such action as which has been tried and approved by many of will reflect the popular sentiment of the sov-ereign people of this State, and thereby con-tribute the weight of your influence to the consummation of this great measure."

to my views upon this subject as submitted to justice,' the last Legislature. I also transmit for exami- "That the bill referred to has been prepared nation a copy of the Bill referred to in my by its originator with great care and much la-

tablish.' This provision of the Constitution would seem to give great latitude to the Legislature in the organization of the Courts. But

"In all questions of apparent conflict between the Bill of Rights and the Constitution, they should be reconciled and made to harmonize if possible; but where there is a final repug nance, the Constitution must give way, it bearing the same relation to the Bill of Rights that no authority under the sixth article, to depart

"Under the Constitution of 1796, Judges of bond from the State. It would be unsafe and dangerous to confer any such power on the the Supreme and inferior Courts were appoint Executive, thereby leaving it to his discretion ed by the Legislature to office during good beto determine the nature and character of proof havior. The Legislature conferred upon the which would authorize him to issue bonds in Courts chancery and law jurisdiction, which all cases where they might be represented as was exercised by them for thirty-eight years, being lost or destroyed. All questions of this or till 1835. The people, after making the excharacter should be provided for by direct le- periment, became well satisfied that our jud gislation, and not left to Executive discretion. cial system was exceedingly defective, falling Taking this view of the subject, the Gover- far short of carrying out the great principles

"In 1834, the people again, in Convention ence to the actual destruction of the Bonds in so changed the Constitution as to make it more the present case, the Governor had no doubt in conformity with the great idea of right and of its having actually occurred as represented justice, by changing the tenure of all judicin by the President of the Company and Edwin officers from that of life to a term of years, and at the same time referring back many other elections to themselves which had been given up in the Constitution of 1796.

"These changes in the Constitution have been effected, in part, for the purpose of con-The whole subject is therefore submitted for forming the Courts of the country, in their your consideration and action, and will be dis- whole structure, to the wants and necessities of the people. There has been evident dissatisfaction with the Courts of the country for a number of years past. The people find fault with the Judges, complain of lawyers, and ometimes condemn jurors, affording conclumuch impaired in the public estimation. Untice in some matter of controversy, and after much time is spent and expense incurred, be pay; and if he complains of the proceeding, he is told that his case was a good one, but he was Court; that his remedy is not in law, but in

"Upon this subject I shall take high ground great mass of the people, and ought to be chang- zed, that law and equity can be administered by the same Court, by the same Judge and jution the propriety of so changing or modifying ry, and at the same time, and that, too, withthe present system, as to conform it to the re- out 'sale, denial, or delay.' Let the Courts of quirements of the public judgment and wants law and chancery be blended or converted inof the country, and that it be done during the to one Court, (it is not material by what name you call it) -or, in other words, let the law and equity of the case be heard by the Court and jury at the same time-let the parties, if necessary, be examined in open Court-let all the restraints and barriers be removed-all false issues and collateral questions be thrown both times in the Senate, which is conclusive aside, and the cause tried upon the naked merthat the popular will demands the passage of its involved, and thereby administer right and justice' to the contending parties, and let them

"I feel well assured that the people, throughout the State, expect legislative action upon "I feel that I cannot conclude this message this subject before the close of your session. orable body, entitled a bill "To abridge and simyour favorable consideration, or some one very general satisfaction here, as it has there, by samplifying, cheapening and shortening the pro-I would most respectfully call your attention cess by which litigants may obtain 'right and

bor, is manifest to all who will give it a care-"The true foundation of our Judiciary is to ful examination; and it is believed, after passbe found in the Bill of Rights, which was adop- ing the legislative ordeal, will be so improved ted by the sovereign people in the year 1796, as more closely to approximate the intentions and was, in the year 1834, re-affirmed. In the 17th section, they have declared, in the most tion. The leading principles of the measure emphatic manner, that all Courts shall be now recommended to your favorable consideopen, and every man for an injury done him, ration, have been advocated by me since my in his lands, goods, person or reputation, shall first entrance into public life, in the year 1835,

fore the adjournment of the present Legisla-

Amendments to the Constitution of the United

States. tution of the United States, which prescribes the thereafter." mode and manner of amendment to that instrument, and also to three propositions to amend the Constitution of the United States, which are ap- SECTION 1. The judicial power of the United States pended to, and made a part of this message, which shall be vested in one Supreme Court, and such is respectfully submitted for consideration and ac- inferior courts as the Congress, from time to time, tion by the General Assembly. In submitting this may ordain and establish. The judges, both of the to the Legislature, or the country, to prove the during the term of twelve years, and shall, at stated importance and necessity of adding these three times, receive for their services, a compensation amendments to the Constitution of the United which shall not be diminished during their contin States. All who are in favor of popularizing our nance in office. And it shall be the duty of the free institutions as far as may be practicable, and President of the United States, within twelve bringing the general government nearer to the peo-ple, will receive and treat them as self-evident pro-three-fourths of all the States as provided by the

doctrines of Jefferson, of Jackson, Macon, and a cable, into three classes. The seats of the judges number of other statesmen and patriots, whose of the first class shall be vacated at the expiration opinions are at all times entitled to the respect and of the fourth year from such classification; of the

consideration of the American people." legislature. I have become more thoroughly con- tweifth year; so that one-third may be chosen every vinced in my own mind of the importance of mak- fourth year thereafter." ing the proposed amendments to the Constitution of the United States. The last two popular elec-ment, to accomplish the contemplated change in the tions in this State show the importance of electing constitution of the United States. Any other plan the United States Senators at the ballot-box, instead more perfect, and more in conformity with the of electing them by the Legislature. The popular whole structure of the Government, will be equally will of the State, as reflected through the ballot- acceptable. It is expected that the amendments conclusively that the Legislature does not reflect can be devised by the exercise of your better judgthe will of the people in the election of Senators, ment." but, on the contrary,"has elected Senators to the Senate of the United States who stand opposed to the public judgment, as twice recorded by the sov-

ereign people of this State. The great importance of amending the Constitu tion of the United States, so as to bring the election of President and Vice President of the United States directly before the people, as proposed in the amendment as hereunto appended, is becoming Government, under a resolution passed June 14th, more and more manifest by every day's experience. 1836. Since the appointment of the superinten-In the next election of President and Vice President, it is highly probable that there will be three or more candidates, and, in that event, the chances been deposited in one of the rooms of the Capitol, are, that the people of the several States will not have the privilege of choosing the President and Vice President through the electoral Colleges, no one of the candidates receiving a majority of all the electoral votes, which will cause the election to be transferred from the electoral College to the United States House of Representatives, where the choice will be made by States, without regard to the electoral vote; which, in all probability, will result as it did in 1824, by foisting men into office, in utter disregard of the popular will. The proposed amendment to the Constitution would remove all apprehension and difficulty on this account, and cause the election to be made by the electoral Coljority of all the electoral votes.

Joint Resolution, proposing Amendments to the Constitution of the United States.

Constitution of the United States-Article 5th. thirds of both Houses shall deem it necessary, shall passed. The cost of a set of standard weights and propose amendments to this Constitution, or the measures, such as would be suitable for the respecapplication of the Legislatures of two thirds of the tive counties, from the most reliable source of in amendments, which, in either case, shall be valid dollars per sett, which will make the aggregate cost to all intents and purposes, as part of this Consti- near sixteen thousand dollars. Notwithstanding tution, when ratified by the Legislatures of three- the aggregate cost may seem to be high, I am still of fourths of the several States, or by conventions in the opinion that sound policy and the best interest three-fourths thereof, as the one or the other mode of the State requires a law to be passed making of ratification may be proposed by Congress; pro- the standard of weights and measures uniform vided that no amendment which may be made prior throughout the State, and that each county in to the year one thousand eight hundred and eight, the State ought to be furnished with a set of shall in any manner affect the first and fourth clauses standard weights and measures for that purin the ninth section of the first article; and that no pose; and unless the Legislature repeal the reso, State, without its consent, shall be deprived of its lution, the Governor will at an early day, proceedequal suffrage in the Senate."

Joint Resolution, proposing Amendments to the ized by law.

Constitution of the United States. Resolved by the Senate and House of Representatives of the United States of America, in Congress gone no change since the sitting of the last Legisassembled, two thirds of both Houses concurring, lature; and I would most respectfully call your at-That the following amendments to the Constitution tention to the suggestions and recon of the United States be proposed to the Legislatures | then made in my message to that body. of the several States, which, when ratified by the "This institution has, so far, failed in all the lead-Legislatures of three fourths of the States, shall be ing objects of its creation. The confinement of pervalid to all intents and purposes as part of the sons within the prison house or prison walls of a

of the United States shall be chosen by the people rience to be a great error, and it is not now contended of the respective States, in the manner following: for as a reforming institution by any one who has Each State shall be divided, by the Legislature become at all familiar with the subject. There is thereof, into districts, equal in number to the whole not one in every thousand convicts whose moral number of Senators and representatives to which condition is improved by such imprisonment; but, such State may be entitled in the Congress of the on the contrary, most of them, if not all, are made United States; the said districts to be composed of worse than they were before, and become more contiguous territory, and to contain, as nearly as may | confirmed in crime be, an equal number of persons entitled to be represented under the Constitution, and to be laid off, by penitentiary imprisonment and association, Dr. for the time, immediately after the ratification of John S. Young, fermer Secretary of State, in an this amendment, and afterwards, at the session of able and elaborate report made on the 15th of Septhe Legislature next ensuing the apportionment of tember, 1845, to the Commissioners of Public Build-Representatives by the Congruss of the United ings, and by them submitted to the Legislature, States; that on the first Thursday in August, in the used the following language: 'I am entirely skepyear eighteen hundred and fifty six, and on the same tical on the subject of reforming convicts by teachday every fourth year thereafter, the citizens of each ing them mechanical trades; little or no good results State who possess the qualifications requisite for from it. When a consict leaves the prison, he lays electors of the most numerous branch of the State down his cap, and with it his trade. He looks back Legislatures, shall meet within their respective dis- upon both as the badges of his disgrace, and the tricts, and vote for a President and Vice President companions of his imprisonment; he sims to someof the United States, one of whom at least shall not thing else which he considers better than his trade, be an inhabitant of the same State with themselves; or returns to the recommission of crime. His trade, and the person receiving the greatest number of in most instances, as I believe, serves to better vates for President, and the one receiving the great- qualify the villian without reforming the man. Those est number of votes for Vice President in each dis- who would attempt the moral reformation of the trict, shall be holden to have received one vote; falon, must employ other means. They must bear which fact shall be immediately certified by the Gov- in mind that three fourths of those stained with ernor of the State, to each of the Senators in Con- crime can neither read nor write. The mind must gress from such State, and to the President of the be cultivated in order to produce those genial influ-Senate and the Speaker of the House of Represen ences which are calculated to remove vicious inclitatives. The Congress of the United States shall nations and base propensities, and give place to be in session on the second Monday in October, in proper sensibilities and corrected feelings, from the year eighteen hundred and fifty-six, and on the which altered intentions and virtuous actions must same day every fourth year thereafter; and the spring." President of the Senate, in the presence of the Senate and House of Representatives, shall open all of persons to the penitentiary for violation of the the certificates, and the votes shall then be counted. laws, has had no restraining influence whatever on The person having the greatest number of votes for immorality, and carries little or no terror to the mind President, shall be President, if such number be of the evil doer. The announcement in the court equal to a majority of the whole number of votes house yard that such a person has been sentenced given; but if no person have such majority, then a for so many years imprisonment, is received with second election shall be held on the first Thursday no alarm, but, on the contrary, with great indiffern the month of December then next ensuing, ence; and it is the frequent remark that it is better between the persons having the two highest for the individual who has just been sentenced to numbers for the office of President; which second so many years' confinement-it will be far better for election shall be conducted, the result certified, and him. He will, while there, be enabled to learn a the votes counted, in the same manner as in the good trade, and will live better there than he ever first; and the person having the greatest number of did before. The sheriff then prepares with his votes for President, shall be President. But, if two guards and starts with the convect for the penils.

as is now prescribed in the Constitution.

the following words, viz : "persons qualified to vote the conveyance of convicts to the penitentiary, to for members of the most numerous branch of the satisfy my mind that the State has incurred a heavy Legislature," so as to make the third section of said loss by the penitentiary. It will take but little inarticle, when ratified by three fourths of the States, vestigation of this subject to satisfy any discerning read as follows, to wit: The Senate of the United States shall be compo- al influence on society, in or out of the penitentia sed of two Senators from each State, chosen by the 1f, and that it is now, and has been, an incubus

aumerous branch of the Legislature thereof, for six unless the whole establishment undergoes a thorough Sgc. 3. And he it further resolved, That article "While the institution has falled in all the lead three, section one, be amended by striking out the ing objects of its creation, the manner in which it words "god behavior," and inserting the following has been conducted has been made to operate injuwords, viz: "the term of twelve years." And fur- riously upon the mechanical interest of the exentry, ther, that and article and section be amended by It has been made practically a State mechanic insti-

and my reflection and observation, together adding the following thereto viz: "and it shall be with the successful experiment which has been the duty of the President of the United States. made in other States of the Union, have ten- within twelve months after the ratification of this ded to confirm me in the opinion that it ought amendment by three fourths of all the States as to be adopted in this State, and that, too, be- provided by the Constitution of the United States. to divide the whole number of judges as near as may be practicable, into three classes. The seat of the first class shall be vacated at the expiration of the fourth year from such classification; of the second class, at the expiration of the eighth year; and of "I will most respectfully call the attention of the the third class, at the expiration of the twelfth year, General Assembly to the fifth article of the Consti. so that one-third may be chosen every fourth rea

The article, as amended, will read as follows : ARTICLE III.

piect, I shall make uo long or labored argument supreme and inferior courts, shall hold their offices Constitution of the United States, to divide the I will conclude by adding that they were the whole number of judges, as near as may be practisecond class, at the expiration of the eighth year; Since this recommendation was made to the last and of the third class, at the expiration of the

"This is merely submitted as one plan of amendbox, has twice in succession demonstrated most will be put in the most perfect form possible that

adopted March 3d, 1854, the Governor was an-

thorised to appoint a suitable person as superin-

tendent of weights and measures. In compliance

Waights and Measures By a joint resolution of the General Assembly

with this resolution, Mr. John Herrigus has been dent the weights and measures have been received. and are now under his control, and by him have set spart for that purpose by the commissioners,-The weights and measures were all received in good order, and now subject to the inspection of both branches of the Legislature. The resolution authorizing the appointment of superintendent of weights and measures made no provision for any compensation for the time and labor necessary for taking the proper care of the weights and measures, which are now in his possession. It cannot be expected that the superintendent can lose his time and labor without some pay. The resolution also authorized the Governor to have made under the direction of the superintendent a set of lege-some one of the cancidates receiving a mastandard weights and measures for each county in has not been carried out by the Governor, believing as he did, that, the cost would be much greater to procure a set of standard weights and measures for each county in the State, than the Legisla-Of Amendments. - "Congress, whenever two- ture was aware of at the time the resolution was formation, will not be much less than two hundred as authorized, to have each county furnished with a set of standard weights and measures, as author-

> Penitentiary. Upon this subject, my general views have under-

penitentiary, with the view of reforming them in That bereafter, the President and Vice President their moral character, has been proven by all expe-

"The trial, conviction and sentence by the court, or more persons shall have received the greatest, tiary, making rather the impression, as he leaves, and an equal number of votes at the second elec- upon the mind of many spectators, that the prisotion, then the person who shall have received the ner has done well in obtaining a traveling trip of greatest number of votes in the greatest number of pleasure and a money-making business for the States, shall be President The person having the sheriff and his escort, and he in the end be made greatest number of votes for Vice President, at the one of the mechanics of the country. In fine, on est election, shall be Vice President, if such num- these two points, it will be readily perceived the ber be equal to a majority of the whole number of penitentiary reforms no one after he is confined votes given; and if no person have such a majority, within its walls; and the sentence of the court, and then a second election shall take place between the confinement together, deters no one from a violation persons having the two highest numbers, on the of the laws of the land.

same day that the election is held for President; and "In the next place, the system has fallen far bethe person having the highest number of votes for low the expenses incurred in the erection of the Vice President shall be Vice President. But if establishment, and the annual cost of carrying it there should happen to be an equality of votes be- on, up to the present time. Upon a close examintween the persons so voted for at the second elec- ation of the items properly chargeable to the instition, then the person having the greatest number totion, after giving it full credit for all that it is enof votes in the greatest number of States, shall be titled to, there will still be found a deficit of not Vice President. But when a second election shall less than one hundred thousand dollars be necessary in the case of Vice President, and not much more. I have obtained sufficient data from necessary in the case of President, then the Sonate Mr. Love, the principal book-keeper, who has apshall choose a Vice President from the persons have peared very accommodating, and much disposed to ing the two highest numbers in the first election, afford every facility in his power to remove all difficulty in getting at the true financial condition of SEC. 2. And be it further resolved, That article the institution, together with a report recently one, section three, be amended by striking out the made by the Comparoller to the Senate, showing word "Legislature," and inserting in lieu thereof how much has been paid out of the treasury for mind that the penitentiary exerts no beneficial morpersons qualified to vote for the members of the most on the treasury, and will most likely continue so,

No. 5 College atrees, Nagher